

PARTICIPANT-DIRECTED PERSONAL ASSISTANT SERVICES

I. LEGAL AUTHORITY:

Rehabilitation Act of 1973 (Public Law 93-112) as amended; 34 CFR 361.42(a)(15).

II. POLICY STATEMENT AND PURPOSE:

This section establishes standards and procedures for the provision of participant-directed personal assistant services to eligible clients. PA services are supportive services intended to give access to other services, such as training, restoration, etc. to persons with severe disabilities.

A. DEFINITION OF PARTICIPANT-DIRECTED PA SERVICES

Participant-directed personal assistant (PA) services consist of those services required by ORS-eligible clients to become physically independent. These services enable such individuals to enter and maintain employment in the competitive labor market, such as the practice of a profession, self-employment, supported employment, farm or family work, sheltered employment, homebound employment or other gainful work.

Such services include, but are not limited to, assistance with the following:

1. Routine bodily functions, such as bowel and bladder care;
2. Dressing;
3. Preparation and consumption of food;
4. Transferring and positioning;
5. Personal hygiene;
6. Ambulation;
7. Range of motion; and
8. Any other function of daily living as determined appropriate by Office of Rehabilitation Services.

III. PROCEDURES:

A. PROVISION OF PARTICIPANT-DIRECTED PA SERVICES

1. Office of Rehabilitation Services shall provide participant-directed PA services, subject to appropriation, to all clients determined eligible. Such services shall be provided only to those clients who are in financial need, as determined by Section 115.8 of the ORS Policy and Procedures Manual.
2. In the event sufficient funds are unavailable, a waiting list (compiled on a first-come, first-served basis) of eligible PA program applicants shall be established.

B. ELIGIBILITY FOR PARTICIPANT-DIRECTED PA SERVICES

Participant-directed personal assistant services may be provided to an individual who:

1. Is receiving services under an IPE (Status 06 or 12);
2. Has a severe disability which severely restricts functioning and is in need of a consistent amount of PA services in order to live independently allowing the person to attain their vocational goal;
3. Has the ability to successfully complete an independent living skills training program and is capable of directing his/her personal care;
4. Office of Rehabilitation Services will sponsor not less than 14 hours nor more than 35 hours per week of documented PA services, excluding night attendant services. If there is a need for hours over the maximum of 35, the client must assure these additional hours are covered, and
- 5) Meets ORS economic need criteria.

C. PA EVALUATION

Each client requesting PA services must have a Comprehensive Independent Living Assessment to determine the number of hours required. The evaluation must be completed by the approved PA vendor.

The evaluation team must include a registered nurse, a registered occupational therapist, and a case manager.

D. SIMILAR BENEFITS

When the rehabilitation counselor has identified a need and established eligibility for PA services, s/he should explore other sources of PA funding (similar benefits) through the approved PA vendor.

E. PROCEDURES

The counselor, upon receiving the Comprehensive Independent Living Assessment Report, must discuss service needs with the client. The counselor will then make a preliminary determination whether the client meets the criteria set forth in subsection V. Once eligibility for PA has been determined, an entry on the R-11 must be developed to coincide with the current service plan (IPE). The authorization should show weekly hours, hourly rate, and number of weeks in the PA service period. Night attendant should show number of nights per week, nightly rate, and weeks in PA service period.

F. ELEMENTS OF AN IPE PA SERVICE ENTRY

The PA service entry shall include, but is not limited to the following:

1. Maximum hours per week of PA services to be provided to the client;
2. Identification of the need for a night attendant, if necessary;
3. A start and end date for PA services; and
4. Dates for the completion of the re-evaluation.

G. RESPONSIBILITIES OF CLIENTS RECEIVING PA SERVICES

Clients receiving PA services shall have the following responsibilities:

1. Selecting, hiring, training, and supervising their own personal assistant;
2. Preparation, review, and submission of time sheets to the approved vendor every two weeks. These must include the signatures of both the client and the attendant.
3. Paying their PA;
4. Maintaining any financial records required by law;
5. Prompt notification to rehabilitation counselor and vendor of any change in their need for PA services;
6. Prompt notification to the rehabilitation counselor of any change in their financial circumstances; and
7. Prompt notification to the rehabilitation counselor of any problems related to the use of PA services.

H. PAYMENT OF PA SERVICES

The VR counselor will authorize payment to the approved PA vendor for a six-month period with a re-evaluation required prior to continued authorization. The vendor will submit biweekly invoices which include client's name, authorization period, billing period covered, and services rendered.

I. MAXIMUM FEE FOR IN-STATE PA SERVICES

Office of Rehabilitation Service shall provide funds, not to exceed the current maximum rates allowable by the ORS fee schedule, for in-state PA services, night attendant, administrative fees, and evaluation/re-evaluation.

J. RE-EVALUATIONS

1. A re-evaluation of each eligible client receiving PA services shall be completed semi-annually. The rehabilitation counselor will authorize a PA assessment for this purpose.
2. A Comprehensive Independent Living Assessment will be authorized on an annual basis.
3. Re-evaluations shall include, but are not limited to:
 - a. Documentation of the continuing need for PA services;
 - b. Documentation of the extent of that need; and
 - c. Annual re-determination of financial need in accordance with Section 115.8 of this manual.
4. A re-evaluation may also be requested by the client when a substantial change occurs in his/her disability, medical status, environment, or need for PA.

Until such re-evaluation is completed, no PA services shall be authorized for any period following the date set forth in the IPE for re-evaluation.

K. OUT OF STATE PA SERVICES

1. If a PA eligible client is out of state in conjunction with an appropriate IPE service and is in need of PA services, those services will be paid in accordance with the prevailing rate approved by that state's VR agency.
2. The following procedures must be utilized:

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OFFICE OF REHABILITATION SERVICES
POLICY AND PROCEDURES MANUAL**

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- a. Client must have been previously determined PA eligible in accordance with Section B of this policy.
- b. A determination that out-of-state PA services are necessary and appropriate to his/her vocational goal has been made.
- c. The rehabilitation counselor must contact the state VR agency to determine the approved prevailing rate for evaluation and PA services. If the consumer chooses not to use the approved Rhode Island PA vendor, the rehabilitation counselor will also confirm eligibility of PA vendors in that state.
- d. The IPE will be amended to identify the objective and services with appropriate case entry and justification;
- e. Authorization of PA is processed in accordance with Section 115.8 of this manual.